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A C T S
INCORPORATING
CHURCH SOCIETIES,
AND
CHURCH TEMPORALITIES ACTS.
1852.

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ACTS

INCORPORATING

CHURCH SOCIETIES,

AND

CHURCH TEMPORALITIES ACT.

1852.



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ANNO QUARTO-DECIMO ET QUINTO-DECIMO
V I C T O R I Æ R E G I N Æ.

C A P. C L X X I.

An Act to provide for the establishment of a Church Society of the United Church of England and Ireland, in each Diocese of that Church in Lower Canada, and for other purposes connected with the recent division of the Diocese of Quebec.

Reserved for the signification of Her Majesty's pleasure, 30th August, 1851.

The Royal Assent given by Her Majesty in Council, on the 10th January, 1852; and Proclamation made thereof by His Excellency JAMES, EARL OF ELGIN AND KINCARDINE, in the Canada Gazette of the 24th February, 1852.

The Royal Assent revoked, as being informal, on the 15th May, 1852, and Proclamation thereof made by His Excellency JAMES, EARL OF ELGIN AND KINCARDINE, in the Canada Gazette of the 9th June, 1852.

The Royal Assent given by Her Majesty in Council on the 15th May, 1852, after the Act had been more than thirty days previously laid before both Houses of the Imperial Parliament; and Proclamation made thereof by His Excellency JAMES, EARL OF ELGIN AND KINCARDINE, in the Canada Gazette of the 9th June, 1852.

WHEREAS by an Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to incorporate the Church Societies of the United Church of England and Ireland, in the Dioceses of Quebec and Toronto*, a Corporation was created for the objects in the said Act mentioned, in and for the Diocese of Quebec, by the name of *The Church Society of the Diocese of Quebec*, to consist of the Lord Bishop of the said Diocese, and other the persons therein named and their successors; And whereas Her Majesty by Her Royal Letters Patent, bearing date at Westminster on the eighteenth day of July, in the 14th year of Her Majesty's Reign, was pleased to divide the said Diocese of Quebec in two Dioceses, the one to be called *The Diocese of Quebec*, and the other, *The Diocese of Montreal*, in the manner and with the limits and boundaries in the said Letters Patent mentioned, and by reason of such division it hath become expedient, and the said Corporation hath prayed, that the members thereof and their successors may hereafter form two Corporations in the manner, with the corporate names and rights, and subject to the provisions hereinafter mentioned and made: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the Corporation created by the Act first above cited, by the name of *The Church Society of the Diocese of Quebec*, and hereinafter called and referred to as "the late Corporation," shall cease and determine; and there shall be and is hereby constituted in and for the Diocese of Quebec, as now constituted, a Corporation by the corporate name of *The Church Society of the Diocese of Quebec*, and another Corporation in and for the Diocese of Montreal, as now constituted, by the corporate name of *The Church Society of the Diocese of Montreal*, each of which said Corporations shall have and is hereby invested with the like corporate

rights, powers and privileges as by the Act first above cited are conferred upon the said late Corporation, and to each of the said Corporations, and to the members thereof, the several clauses and provisions of the said Act shall apply as fully as they would have applied without this Act and without the division of the former Diocese of Quebec, to the said late Corporation, and the members thereof, and as if each of the said Corporations had been one of those constituted by the said Act, in so far as may not be inconsistent with this Act, and subject always to the provisions herein made.

II. And be it enacted, That the Corporation of *The Church Society of the Diocese of Quebec*, hereby constituted, shall be composed and consist of the Lord Bishop of the Diocese of Quebec (as now constituted) for the time being, and of those members of the said late Corporation who shall at the time of the passing of this Act be resident within the said Diocese of Quebec, unless and until it shall be otherwise provided by the By-laws of the Corporation, and of such other persons as shall from time to time hereafter be elected members of the said Corporation, in the manner provided by the Act aforesaid.

III. And be it enacted, That the Corporation of *The Church Society of the Diocese of Montreal*, hereby constituted, shall be composed and consist of the Lord Bishop of the Diocese of Montreal, for the time being, and of those members of the said late Corporation who shall, at the time of the passing of this Act, be resident within the Diocese of Montreal, unless and until it shall be otherwise provided by the By-laws of the Corporation, and of such other persons as shall from time to time hereafter be elected members of the said Corporation, in the manner provided by the Act aforesaid.

IV. Provided always, and be it enacted, That any life member of the said late Corporation, resident in either of the said Dioceses, shall have power to make his election of the Diocese with which to be connected, and that if no such preference be expressed by him in writing under his hand, to the Bishop of such Diocese, within two months after the passing of this Act, such life member shall be considered to be and shall be a life member of the Corporation of the Diocese within which he resided at the time when the said Letters Patent took effect; and provided further, that any person not resident in the Province of Canada, who became and was such life member at the time when the said Letters Patent took effect, shall be considered to be and shall be an honorary member of both Corporations.

V. And be it enacted, That the real property of the said late Corporation, and its right to or in any real property, whether held to and for its own use generally, or in trust for any special purpose or purposes, shall be and are hereby vested in that one of the two Corporations hereby constituted, which is constituted in and for the Diocese in which such real property shall respectively lie; and that any real property of the said late Corporation, situate in Upper Canada, shall be and is hereby vested in the said Church Society of the Diocese of Montreal, and the personal property of the said late Corporation (including all books, papers and documents thereunto relating, and its right to or in any personal property) shall be and is hereby vested provisionally in the Corporation of *The Church Society of the Diocese of Quebec*, hereby constituted; Provided always, that no trust upon which any such property, real or personal, is held, shall be disturbed or effected, but shall be strictly observed and performed by that Corporation in which such property or the right thereto will be vested; and provided also, that the Corporation last mentioned shall, within one year from the passing of this Act, assign and convey to *The Church Society of the Diocese of Montreal*, such proportion as shall be agreed upon by the two Corporations, of the personal property held by the said late Corporation otherwise than upon trust for any special purpose or purposes; and that it shall be lawful for either of the Corporations hereby constituted, to assign and convey to the other any property, real or personal, of the said late Corporation held upon any trust or trusts which it shall appear to the said Corporations can be more conveniently performed by the Corporation to which such assign-

ment and conveyance shall be made, such assignment and conveyance being made upon the trusts to which the property is subject; and the liabilities of the said late Corporation shall be discharged by that one of the Corporations hereby constituted, in whom the property shall be vested in respect of which such liability shall have been incurred, or if the same shall not have been incurred in respect of any property, then the same shall be discharged by *The Church Society of the Diocese of Quebec*, unless it be otherwise agreed between the said two Corporations.

VI. And be it enacted, That the By-laws of the said late Corporation in force immediately before the passing of this Act, shall, in so far as they may be capable of such application, and consistent with the provisions of this Act, be the By-laws of each of the Corporations hereby constituted, until they shall be repealed or altered in the manner provided by the Act first aforesaid; Provided always, that the Bishop of the Diocese in and for which each of the said Corporations is constituted, shall be the President of such Corporation, and shall have full power to sanction and confirm any Constitution, By-law, Rule or Regulation of such Corporation, or any Abrogation, Repeal, Change or Alteration of the same, in the manner provided by the fifth section of the Act first aforesaid; any thing in the said section to the contrary notwithstanding.

VII. And be it enacted, That, notwithstanding any omission in the Letters Patent erecting the present Dioceses of Quebec and Montreal respectively, the District of Saint Francis shall be and shall be held to have been included within the present Diocese of Quebec, to all intents and purposes, as if it had been made part of the said Diocese by the said Letters Patent erecting the same.

VIII. And be it enacted, That any gift, legacy, devise or bequest of property, or any right, title, interest, in or to any property, which before the time when the Letters Patent aforesaid took effect, was made to or vested in the Bishop of Quebec, or in the Bishop of Montreal administering the Diocese of Quebec, shall be, and shall be held to have been from the time last aforesaid, made to or vested in the Bishop of Quebec as now constituted, who shall be held to be the successor of such first mentioned Bishop; and any Act, Ordinance or Law, Deed, Instrument or Writing made before the said time, and any Will, Testament or Codicil of any testator who died before the said time, in which the Diocese of Quebec, or the Bishop of Montreal or Bishop administering the Diocese of Quebec, is mentioned or referred to or intended, shall be construed and have effect from the said time, as if the Diocese or Bishop therein intended, mentioned or referred to, were the Diocese of Quebec as now constituted, or the Bishop of Quebec as now constituted, except where such construction would be contrary to justice or to the provisions of this Act, or of any other Act passed or to be passed during the present session of the Provincial Parliament, or to the Letters Patent aforesaid; Provided that it shall always be lawful for the Bishop of the aforesaid Diocese of Quebec, to assign and convey to the Bishop of Montreal any property held by him in trust, if the said Bishop shall be of opinion that such trust can be better or more conveniently performed by the Bishop of Montreal; any thing in the will, testament, deed or instrument, creating such trust, to the contrary notwithstanding. Provided that all such deeds of real estate (except leases for a term not exceeding nine years) shall be duly registered according to law within six calendar months after the making and execution thereof, otherwise the same shall be void and of none effect: and that such registration within the said term of six months shall not give any greater effect in other respects to any such deed than is by law given to the registration of any other deed of real estate in Lower Canada.

IX. And be it enacted, That the Bishop of Quebec, and his successors, by the name of the Lord Bishop of Quebec, and the Bishop of Montreal and his successors, by the name of the Lord Bishop of Montreal, shall respectively be a Corporation sole, and shall be deemed to have been so from the time when the Letters Patent aforesaid took effect, and shall respectively have

and shall be held to have had, from the said time, full power and authority to sue and be sued, and to take and hold (with or without license or letters of mortmain) any real property within this Province, and any personal property whatsoever, whether by devise, bequest, gift, grant or other title or conveyance whatsoever, and the same or any part thereof to alienate, unless when held in trust for any special purpose in the instrument creating which trust such alienation is forbidden, and other the powers vested by law in bodies corporate generally; and the Bishop of Quebec, or the Bishop of Montreal, or Bishop administering the Diocese of Quebec, before the time when the said Letters Patent took effect, shall be held to have had full power and authority to sue and be sued, and to take and hold (with or without license or letter of mortmain) any real property within this Province, and any personal property whatsoever, whether by devise, bequest, gift, grant or other title or conveyance whatsoever, and the same or any part thereof to alienate, unless when held in trust for any special purpose, in the instrument creating which trust such alienation is forbidden, and other the powers vested by law in bodies corporate generally; and the Bishop of Quebec or the Bishop of Montreal, or Bishop administering the Diocese of Quebec, before the time when the said Letters Patent took effect, shall be held to have had full power and authority to sue and be sued, and take and hold (with or without license or letters of mortmain) any real property within this Province, and any personal property whatsoever, whether by devise, bequest, gift, grant or other title or conveyance whatsoever, and the same or any part thereof to alienate, unless when held in trust for any special purpose in the instrument creating which trust such alienation is forbidden: Provided that the said Bishop of Montreal shall not have, hold, possess or enjoy lands and tenements or real estate in virtue of this Act, for the uses and purposes of his said See exceeding Five Thousand Pounds in annual value at any time; and shall at all times, when called upon so to do by the Governor of this Province, render an account in writing of such property held by him under this Act, and of the income derived therefrom, and the means by which the same has been acquired.

X. And be it enacted, That nothing in this Act shall be construed to confer any spiritual or ecclesiastical rights or jurisdiction upon either of the said Bishops, or upon their successors, or other ecclesiastical person of the said Church.

XI. And be it enacted, That except in so far as it may be otherwise ordered by any Act, passed in the present session, the Act passed in the sixth year of Her Majesty's Reign, and intituled, *An Act to make provision for the management of the Temporalities of the United Church of England and Ireland in the Diocese of Quebec, in this Province, and for other purposes therein mentioned*, and all the provisions and enactments thereof, shall apply and shall be held to have applied, from the time when the Letters Patent aforesaid took effect, to each of the Dioceses of Quebec and Montreal respectively, and to the Bishop of each of the said Dioceses, as fully and effectually as before the said time they applied to the Diocese of Quebec as then constituted, and to the Bishop thereof; any thing in the nineteenth section, or in any other part of the said Act to the contrary notwithstanding; and the words "The Bishop," or "The Bishop of the Diocese," in the said Act, shall be construed as meaning the Bishop of Quebec or the Bishop of Montreal, as the case may be.

XII. And be it enacted, That whenever in this Act the Bishop of any Diocese is mentioned, the successors of such Bishop, and the Bishop administering such Diocese, shall be held to be also intended and included.

XIII. And be it enacted, That nothing herein contained shall be construed, to affect in any manner or way the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, or of any body politic or corporate, such only excepted as are herein mentioned and provided for.

XIV. And be it enacted, That this Act shall be a public Act.

ANNO SEPTIMO

V I C T O R I Æ R E G I N Æ .

CAP. LXVIII.

An Act to Incorporate the Church Societies of the United Church of England and Ireland, in the Dioceses of Quebec and Toronto.

9th December, 1843.—Presented for Her Majesty's Assent, and reserved
“for the signification of Her Majesty's pleasure thereon.”

23d May, 1844.—Assented by Her Majesty, in Privy Council.

27th June, 1844.—The Royal Assent signified by the Proclamation of
His Excellency SIR CHARLES THEOPHILUS METCALFE, Governor
General.

WHEREAS it has been represented to the Legislature of this Province that certain persons hereinafter named, and divers others, inhabitants of Lower Canada, and also certain other persons hereinafter named, and divers others, inhabitants of Upper Canada, have respectively established themselves together under a Constitution, Rules and Regulations, and have contributed, or engaged to contribute, considerable sums of money, and have given or granted, or promise to give or grant, lands or real estate for the following objects, that is to say :—First, for the encouragement and support of Missionaries and Clergymen of the United Church of England and Ireland, severally within the Dioceses of Quebec and Toronto, and for creating a fund towards the augmentation of the Stipends of poor Clergymen, and towards making a provision for those who may be incapacitated by age or infirmity, and for the Widows and Orphans of the Clergy of the said Church, respectively, in the said Dioceses; Secondly, for the encouragement of Education and the support of Day Schools and Sunday Schools in the said Dioceses, respectively, in conformity with the principles of the said Church; Thirdly, for granting assistance, where it may be necessary, to those who may be preparing for the Ministry of the Gospel in the said Church within the said Dioceses, respectively; Fourthly, for circulating in the said Dioceses, respectively, the Holy Scriptures, the Book of Common Prayer of the said Church, and such other Books and Tracts as shall be approved by the several Central Boards or Managing Committees of the said Associations; Fifthly, for obtaining and granting aid towards the erection, and endowment and maintenance of Churches according to the establishment of the said Church in the said Dioceses, respectively, the creation and maintenance of Parsonage Houses, the setting apart of Burial Grounds and Church-Yards, the endowment and support of Parsonages and Rectories according to the said establishment, and the management of all matters relating to such endowments: And whereas it would tend greatly to facilitate and promote the purposes of the said Associations that they should severally be incorporated and empowered to hold property in mortmain without Letters of License, and to manage, administer, alienate or dispose of the same, for the uses and purposes aforesaid, and to make and enforce rules and regulations, respectively, for the government of the said Associations, severally, and for better attaining the purposes aforesaid: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Go-*

vernment of Canada, and it is hereby enacted by the authority of the same, that the Lord Bishop of the said Diocese of Quebec, the Lord Bishop of Montreal, or the Bishop administering the said Diocese for the time being, and William Smith, Andrew W. Cochran, Henry Jessop, Henry J. Noad, John Racey, James H. Kerr, David Burnet, W. H. Leaycraft, John M. Fraser, the Reverend C. L. F. Haensel, George Hall, James Bolton, the Rev. George Mackie, the Reverend Edward Cusack, Robert Symes, the Reverend Edmund W. Sewell, William Price, Noah Freer, Edward Bowen, John G. Irvine, Hammond Gowen, Sir James Stuart, Baronet, Matthew Bell, William Phillips, Henry LeMesurier, Junior, Edward L. Montizambert, Thomas Trigge, Peter Patterson, George B. Hall, James Turnbull, William Stevenson, James B. Forsyth, Alexander D. Bell, James Dyke, William Bowes, R. M. Harrison, H. S. Dalkin, Edward Boxer, Archibald Campbell, Charles Secretan, James McKenzie, E. P. Woolrich, George H. Parke, Samuel McCaulay, James J. Loundes, G. Newton, Charles Secretan, Thomas Glover, Robert Daikers, H. W. Welch, and such other persons as are now Members of the said Association of the Diocese of Quebec, according to the existing Constitution, Rules and Regulations thereof, and their successors to be elected in the manner hereinafter provided, and such other persons as shall from time to time hereafter be elected to be Members of the said Association in the manner hereinafter provided, shall be and are hereby declared to be a Body Corporate and Politic, in name and in deed, by the name of "The Church Society of the Diocese of Quebec," and that the Lord Bishop of Toronto, the Venerable Geo. Okill Stuart, Robt. Simpson Jameson, Levius Peter Sherwood, James B. Macaulay, Jonas Jones, Christopher Alexander Hagerman, Peter Boyel De Blaquiére, William Henry Draper, John Simcoe Macaulay, James Gordon, John Boulton, John Solomon Cartwright, D'Arcy Boulton, Mahlon Burwell, John B. Askin, Thomas Mercer Jones, Frederick Widder, William B. Jarvis, Henry Ruttan, Joseph Wells, Walter Boswell, Zaccheus Burnham, T. A. Stewart, William Dickson, James Kerby, William Allan, George Crookshank, R. C. Wilkins, Philip Vankoughnet, Gerrard Lloyd, John Macaulay, Sir Allan Napier MacNab, Guy C. Wood, George Salmon, Henry Sherwood, and such other persons as are now Members of the said Association of the Diocese of Toronto, according to the existing Constitution, Rules and Regulations thereof, and their successors, to be elected in the manner hereinafter provided, and such other persons as shall from time to time hereafter be elected to be Members of the said Association in the manner hereinafter provided, shall be and are hereby declared to be a Body Corporate and Politic, in name and in deed, by the name of "The Church Society of the Diocese of Toronto," and that by the said names the said Associations shall have each perpetual Succession and a Common Seal, with power to change, alter, break, or make new the same, as often as they shall judge expedient, and that they and their successors by the same names, respectively, may sue and be sued, implead and be impleaded, answer and be answered unto, in any Court of Record, or other place of Judicature within this Province; and that they and their successors, by the names aforesaid, shall be able and capable in law, respectively, to purchase, take, have, hold, receive, enjoy, possess and retain, without license, in mortmain or *Letters d'Amortissement*, all messuages, lands, tenements, and immoveable property, money, goods, chattels, and moveable property, which have been or hereafter shall be paid, given, granted, purchased, appropriated, devised or bequeathed in any manner or way whatsoever, to, for, and in favor of the said Church Societies, respectively, to and for the uses and purposes aforesaid or any of them, and do, perform and execute all and every lawful act and thing useful and necessary for the purposes aforesaid, in as full and ample a manner, to all intents, constructions and purposes as any other Body Politic or Corporate by law may or ought to do.

II. And be it enacted, That all lands, messuages, tenements, hereditaments, or immoveable property, and all rents, sum and sums of money,

charged upon and issuing or payable out of any lands, messuages, tenements, hereditaments, or immoveable property, as aforesaid, and all sums of money, goods, chattels, effects, or moveable property, which have been or shall hereafter be paid, given, granted, purchased, appropriated, devised, or bequeathed in any manner or way whatsoever, to, for, or in favor of the said Corporations, respectively, to and for the uses and purposes aforesaid, shall be and the same are hereby vested in the said Corporations, respectively, to and for the uses and purposes aforesaid, in such manner and form, and subject to such by-laws, rules and regulations, as may be made and passed by the said Corporations, respectively, concerning the same, in the manner hereinafter provided: And that the said Corporations or the Central Boards thereof, or such other Executive and Managing Committees thereof as shall from time to time be appointed and authorised for this purpose by the by-laws, rules and regulations, which may be made and passed in the manner hereinafter mentioned, for the government of the said Corporations, shall, respectively, have power and authority to alienate or exchange, and to demise, let and lease for any term of years, such messuages, lands, tenements, hereditaments and immoveable property as shall be so as aforesaid given, granted purchased, appropriated, devised or bequeathed to the said Corporation, respectively, for all or any of the purposes aforesaid, and to have, receive, and take the purchase money, consideration or price, rents, issues or profits thereof: Provided always, that the said Corporations or Central Boards thereof, or such other Executive or Managing Committees, as aforesaid, shall, respectively, have, receive, take and hold such purchase money, consideration, or price, rents, issues or profits, for the uses and purposes hereinbefore mentioned and set forth, or some or one of them, and for none other.

III. And be it enacted, That the said Corporations, and their successors, shall and may respectively, from time to time, hold assemblies and meetings of the said Corporations, which shall be called together in such manner and at such times and places as shall be directed and appointed by the by-laws, rules and regulations of the same, to transact the business of the said Corporations, and shall and may at any such meeting elect such persons to be Members of the said Corporations respectively, as they or the major part of them then present shall think fit: Provided always, that no act done in any such assembly or meeting of the said Corporations shall be valid or effectual, unless six persons of such Corporations, at the least, shall be present, and the major part of them consenting thereto.

IV. And be it enacted, That the said Corporations, or the major part of those who shall be present at any of the meetings of the said Corporations to be held in manner aforesaid, shall and may, respectively, make and ordain any constitution, by-laws, rules and regulations, whatsoever, which to them or the major part of them then present, not being fewer in number than six, as aforesaid, shall seem meet, reasonable or requisite, touching and concerning the well ordering and governing of the affairs and business of the said Corporations and the due administering and improving the property thereof, and the more effectually promoting the purposes thereof, as aforesaid, and such constitution, by-laws, rules and regulations in like manner from time to time to abrogate, repeal, change or alter as may be found expedient, which constitution, by-laws, rules and regulations, shall be binding upon and shall be observed, performed and kept by the Members of the said Corporations, respectively: Provided always, that the same shall not be repugnant or contrary to the aforesaid purposes of such Corporations, or to the laws in force in this Province.

V. Provided always nevertheless, and be it enacted, That no such constitution, by-law, rule or regulation, of either of the said Church Societies of the Dioceses of Quebec and Toronto, nor any abrogation, repeal, change or alteration of the same, shall be of any force or effect until it shall have been sanctioned and confirmed by the Bishop of or administering such Diocese for the time being, by Writing under His Hand.

VI. And be it enacted, That nothing herein contained shall affect or be construed to affect in any manner or way the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, or of any Body Politic or Corporate, such only excepted as are hereinbefore mentioned and provided for.

VII. And be it enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices of the Peace, and other persons whatsoever, without being specially pleaded.

ANNO QUARTO-DECIMO ET QUINTO-DECIMO
V I C T O R I Æ R E G I N Æ .

CAP. CLXXVI.

An Act to make provision for the management of the Temporalities of the United Church of England and Ireland in the Diocese of Montreal, and for other purposes therein mentioned.

Reserved for the signification of Her Majesty's pleasure, 30th August, 1851.

The Royal Assent given by Her Majesty in Council, on the 16th Oct., 1852; after the Act had been more than thirty days previously laid before both Houses of the Imperial Parliament; and Proclamation made thereof by HIS EXCELLENCY JAMES, EARL OF ELGIN AND KINCARDINE, in the Canada Gazette of the 18th December, 1852.

WHEREAS by an Act of the Parliament of this Province, made and passed in the sixth year of Her Majesty's Reign, intituled, *An Act to make provision for the management of the Temporalities of the United Church of England and Ireland in the Diocese of Quebec, in this Province, and for other purposes therein mentioned*, provision was made by law for the internal management, by the members of the said Church, in the said Diocese of Quebec, of the Temporalities thereof, and for allowing the endowment thereof; And whereas by Letters Patent, under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date the eighteenth day of July, one thousand eight hundred and fifty, so much of the said Diocese of Quebec as constitutes the District of Montreal in Lower Canada aforesaid, was, and is erected into a separate See or Diocese under the name or style of the Bishoprick or Diocese of Montreal; And whereas it is in consequence desired, on behalf of the United Church of England and Ireland, in the said Diocese of Montreal, that separate provision should be made by law for the internal management by the members of the said Church in the said Diocese of Montreal, of the Temporalities thereof, and also for allowing the endowment thereof, and it is just and expedient that such provision should be made: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That

from and after the passing of this Act, the soil and freehold of all Churches and Chapels of the communion of the said United Church of England and Ireland, now erected or hereafter to be erected in the said Diocese of Montreal, and of the church-yards and burying grounds attached or belonging thereto respectively, shall be in the Parson or other Incumbent thereof for the time being, and the Churchwardens to be appointed as hereinafter is mentioned, by whatever title the same may now be held, whether vested in Trustees for the use of the said United Church, or whether the legal estate remains in the Crown by reason of no Patent having being issued, though set apart for the purposes of such Church or Chapel, Church-yard or Burying Ground: Provided always, that nothing in this section contained shall extend to affect the tenure of any Parsonage or Rectory now established by Letters Patent, or of any Proprietary Church or Chapel.

II. And be it enacted, That all pew-holders in such Churches or Chapels, whether holding the same by purchase or lease, and all persons holding sittings therein by the same being let to them before the passing of this Act by the Churchwardens, or after the passing of this Act by the Corporation of such Church or Chapel, and holding a Certificate from such Corporation of such sitting, shall form a Vestry for the purposes in this Act mentioned and declared: Provided that no such pew-holders or persons holding sittings shall be entitled to vote at any Meeting of such Vestry, unless all the rent due and payable in respect of such pews or sittings be paid in full.

III. And be it enacted, That a meeting of such Vestry shall be holden on Monday in Easter week, in each and every year, after due notice thereof given during Divine Service on the morning of Easter Sunday, for the purpose of appointing Churchwardens for the ensuing year, and that at such meeting one Churchwarden, shall be nominated by the Incumbent of the said Church or Chapel, and the other shall be elected by a majority of those present and entitled to vote at such Vestry meeting as aforesaid: Provided nevertheless, that in case of such Incumbent declining or neglecting to nominate a Churchwarden, then both of the said Churchwardens shall, for the current year, be elected in the manner aforesaid; and in case the members of such Vestry shall neglect to elect a Churchwarden, then both of such Churchwardens shall, for the current year, be nominated by the Incumbent: Provided always, that if, from any cause, a Vestry meeting shall not take place at the time aforesaid, such appointment of Churchwardens may take place at any subsequent Vestry meeting to be called in the manner hereinafter provided; and in case of the death, resignation, refusal to act, or change of residence to ten miles or more from any such Church or Chapel of either of the said Churchwardens, a Vestry meeting shall be thereupon called for the election of a new Churchwarden by the said Vestry, or for the nomination of a new Churchwarden by the Incumbent, as the case may require.

IV. And be it enacted, That no person shall be eligible to the office of Churchwarden, except members of the said United Church of the full age of twenty-one years, and who shall also be members of such Vestry.

V. And be it enacted, That such Churchwardens shall hold their office for one year from the time of their appointment, or until the election of their successors, except in case of an appointment or nomination to fill up any vacancy occasioned by death, resignation, refusal to act or change of residence as aforesaid, and in such case the person so appointed or nominated, shall hold the said office until the next annual election, or until the election of a successor.

VI. And be it enacted, That such Churchwardens so to be elected and appointed, as aforesaid, shall, during their term of office, together with the Incumbent, be a Corporation, under the name or style of "The Incumbent and the Churchwardens of _____ Church (or Chapel, as the case may be), of the Parish of _____ or of (naming the place as the case may be,) in the Diocese of Montreal," to represent the interests of such Church or Chapel and of the members thereof, and shall and may sue and be sued, answer and be answered unto, in all manner of suits and actions whatsoever,

and more particularly shall and may sue for, recover and receive all arrears of rent actually due and payable at the passing of this Act, as well as any rent becoming due hereafter, in respect of any pews or sittings in such Church or Chapel, and may prosecute indictments, presentments, and other criminal proceedings, for and in respect of such Churches, Chapels and Church-yards, and all matters and things appertaining thereto, and shall and may make and execute faculties or conveyances, or other proper assurances in the law, to all pew-holders holding their pews by purchase, or lease to those holding the same by lease, and shall and may grant certificates to those who shall have rented sittings, such conveyances, leases and certificates to be given within a reasonable time after demand made, and at the charges of the person applying for the same; and, further, it shall be the duty of such Corporation, from time to time, to sell, lease and rent pews and sittings, upon such terms as may be settled and appointed at Vestry meetings to be holden for that purpose, as hereinafter provided: Provided always, that any such sale, lease or renting, shall be subject to such rent charge, or other rent as may from time to time be rated and assessed in respect thereof at such Vestry meeting.

VII. And be it enacted, That in case of the absolute purchase of any pew in any such Church or Chapel as aforesaid, the same shall be construed as a freehold of inheritance, not subject to forfeiture by change of residence, or by discontinuing to frequent the same, and the same may be bargained, sold and assigned to any purchaser thereof, being a member of the Church of England and Ireland, and such purchaser, provided the same be duly assigned and conveyed to him, shall hold the same with the same rights, and subject to the same duties and charges as the original purchaser thereof: Provided that if by reason of such change of residence, or by discontinuing to frequent such Church or Chapel, any pew shall not be occupied by such pew-holder, by himself or family, or by some other person under his authority, the Corporation shall have the power to lease the said pew from year to year, in such manner and subject to such conditions for the immediate re-occupation of the same by the said pew-holder, or person acting under his authority, on request, as shall be provided by a By-law of the Corporation to be made for such cases, the said Corporation accounting to the pew-holder for the rent of the said pew.

VIII. And be it enacted, That any pew-holder, whether by purchase or lease, and any person renting a pew or sitting, shall and may, during their rightful possession of such pew or sitting, have a right of action against any person injuring the same, or disturbing him or his family in the possession thereof.

IX. And be it enacted, That such Churchwardens, so to be appointed as aforesaid, shall, yearly and every year, within fourteen days after other Churchwardens shall be nominated and appointed to succeed them, deliver into such succeeding Churchwardens a just, true and perfect account in writing (fairly entered in a book or books to be kept for that purpose, and signed by the said Churchwardens), of all sums of money by them received, and of all sums rated or assessed or otherwise due and not received, and also of all goods, chattels and other property of such Church, Chapel or Parish, in their hands as such Churchwardens, and of all moneys paid by such Churchwardens so accounting, and of all other things concerning their said office, and shall also pay and deliver over all sums of money, goods, chattels, and other things which shall be in their hands, unto such succeeding Churchwardens, which said account shall be verified by oath before one or more of Her Majesty's Justices of the Peace, who are hereby authorized to administer the same, and the said book or books shall be carefully preserved by such Churchwardens, and they shall and are hereby required to permit any member of such Vestry, as aforesaid, to inspect the same at all reasonable times; and in case such Churchwardens shall make default in yielding such account as aforesaid, or in delivering over such money, goods or other things as aforesaid, it shall be in the power of the succeeding Churchwar-

dens to proceed against them at law for such default, and in case of the re-appointment of the same Churchwardens, then, such account, as aforesaid, shall, in like manner as is aforesaid, be made and rendered before an adjourned meeting of such Vestry, fourteen days after such re-appointment.

X. And be it enacted, That it shall be in the power of the Incumbent of any such Parsonage, Parish, Church or Chapel as aforesaid, or (in the absence of the Incumbent) of the Churchwardens thereof, to call a Vestry meeting whenever he or they shall think proper so to do, giving at least eight day's notice thereof, by proclaiming it in the usual manner in the Church or Chapel, and by notice affixed to the outer door or doors of the said Church or Chapel, as the case may be, and it shall be his and their duty so to do upon application being made for that purpose in writing, by six at least of the members of such Vestry as aforesaid; and in case, upon such written application being made as aforesaid, such Incumbent and Churchwardens shall refuse to call such meeting, then, one week after such demand made, it shall be in the power of any six of such members of the Vestry to call the same by notice, to be affixed on the outer door or doors (where more than one) of such Church or Chapel, at least one week previous to such intended meeting.

XI. And be it enacted, That at all Vestry meetings, the Incumbent of the Church or Chapel shall preside as Chairman when present; and, in his absence, such one of the Churchwardens as shall be present, and if both the Churchwardens be present, then such one of them or such person as the majority present at such meeting shall name; and the Vestry Clerk, when there is one and present, or in case there be no Vestry Clerk, or he be absent, then such person as the Chairman shall name, shall be the Secretary of such Vestry meeting, and the minutes of the proceedings of such Vestry meetings shall be entered in a book to be kept for that purpose, and shall be signed by such Incumbent, Churchwarden, or other person presiding as Chairman, and countersigned by such Vestry Clerk or Secretary, and shall be preserved in the custody of the Corporation of the said Church or Chapel; and such minutes so entered, signed and countersigned, or a copy thereof duly certified by such Incumbent, and countersigned by such Vestry Clerk, shall be *prima facie* evidence of the matters and things therein set forth, and that such meetings were regularly and legally held under the requirements of this Act, without proof of the signature of such Incumbent and Vestry Clerk being required to be made.

XII. And be it enacted, That the rent charge to be paid upon pews holden in freehold, and the rent to be paid for the pews and sittings in pews, leased or rented, shall be regulated from time to time by the majority of those present at such Vestry meetings as aforesaid: Provided nevertheless, that no alterations shall be made therein except at Vestry meetings called for such special purpose, and so expressed in the notice calling the same; and further, that the charges to be made in respect of such conveyances, leases and certificates, shall, in like manner, be regulated at such Vestry meetings as aforesaid.

XIII. And be it enacted, That the Clerk of the Church or Chapel, the Organist, the Vestry Clerk, the Sexton, and other subordinate servants of the Church or Chapel, shall be nominated and appointed by the Corporation of such Church or Chapel, and that their salary and wages shall be brought into the general account, to be rendered as aforesaid by such Churchwardens.

XIV. And be it enacted, That the fees on marriages, registration of baptisms, and for other services of the Church of the like nature, and the charges payable on breaking the ground in the cemeteries or church-yards and in the said Churches or Chapels for burying the dead, shall be regulated by the Bishop of the Diocese, or such person as he may appoint as Ordinary.

XV. And be it enacted, That all meetings of the said Corporation, any two members thereof shall be a quorum for the transaction of business, but no

business shall be transacted, except at a meeting duly convened by the Incumbent, or otherwise as hereinbefore provided.

XVI. And be it enacted, That it shall be in the power of the members of such Vestries, by the majority of those present at any meetings as aforesaid, to make By-laws for the regulation of their proceedings and the management of the Temporalities of the Church, Chapel or Parish to which they belong, so as that the same be not repugnant to this Act, nor contrary to the Canons of the said United Church of England and Ireland.

XVII. And be it enacted, That all duties, powers and authority conferred upon the Bishop of Quebec, for the time being, by an Act of the Parliament of Great Britain and Ireland, passed in the sixth year of the Reign of His late Majesty, George the Fourth, intituled: "An Act to provide for the extinction of Feudal and Seigniorial rights and burthens on lands held à *titre de Fief* and à *titre de Cens* in the Province of Lower Canada, and for the gradual conversion of those Tenures into the Tenure of free and common soccage, and for other purposes relating to the said Province," so far as the provisions of the same have reference to lands situated within the said Diocese of Montreal, and all duties, powers and authority relating to matters within the said Diocese of Montreal conferred upon the Bishop of Quebec by any other Act or Acts, or by any authority whatever, and all or any office or offices within the said Diocese of Montreal conferred upon the Bishop of Quebec and his successors in office, in his and their official capacities, by an Act or Acts, charter or charters, or by any authority whatever, shall devolve upon, and be exercised and held by the Bishop of Montreal and his successors in office; and all acts done and performed by the Bishop of Montreal or his successors in office, in the performance of such duties, in the exercise of such power and authority, or in the performance of the duties of such office or offices, shall be valid and effectual in as full and ample a manner as if he were Bishop of Quebec aforesaid.

XVIII. And be it enacted, That any deed or conveyance of land, or of personalty, that may be made to any Bishop of the said Church, in the said Diocese of Montreal, and to his successors, for the endowment of his See, or for the general uses of the said Church, as such Bishop may appoint, or otherwise, or for the use of any particular Church or Chapel then erected, or thereafter to be erected, or for the endowment of a parsonage or living, or for other uses or purposes appurtenant to such United Church in general, or to any particular Church, Chapel, or parish to be named in such deed, and any such deed or conveyance to any Parson or other Incumbent and his successors, for the endowment of such parsonage, rectory or living, or for other uses or purposes appurtenant thereto, shall be valid and effectual to the uses and purposes in such deed or conveyance to be mentioned and set forth, the Acts of Parliament commonly called the Statutes of Mortmain, or other Acts, Laws or usages to the contrary thereof notwithstanding: Provided that all such deeds of real estate (except leases for a term not exceeding nine years) shall be duly registered according to law within six calendar months after the making and execution thereof, otherwise the same shall be void and of none effect; and that such registration, within the said term of six months, shall not give any greater effect in other respects to any such deed, than is by law given to the registration of any other deed of real estate in Lower Canada.

XIX. And be it enacted, That in the event of any person or persons, bodies politic or corporate, desiring to erect and found a Church or Churches, Chapel or Chapels, in the said Diocese of Montreal, and to endow the same with a sufficiency for the maintenance of such Church or Chapel, and of Divine Service therein according to the Rites of the said Church of England and Ireland, it shall and may be lawful for him or them to do so upon procuring the license of the Bishop under his hand and seal for that purpose; and thereupon, after the erection of a suitable Church or Chapel, and the appropriation by the founder thereof of such Church or Chapel so erected, and of lands and hereditaments, or other property adequate to the mainte-

nance thereof and of an Incumbent, and adequate to the usual and ordinary charges attendant upon such Church or Chapel, such provision being made to the satisfaction of the Bishop of the said Diocese for the time being, such founder, his heirs and assigns, being members of the said United Church, or such body politic or corporate, as the case may be, shall have the right of presentation to such Church or Chapel as an advowson in fee presentative, according to the Rules and Canons of the said United Church.

XX. And be it enacted, That all lands or personalty heretofore in any manner or way conveyed to any Bishop of the said Church for the use or benefit of any particular Parish, Church or Chapel, then erected or thereafter to be erected within the said Diocese of Montreal, or for the endowment of any parsonage or living within the said Diocese of Montreal, or for other uses or purposes appurtenant to any Church, Chapel or Parish within the said Diocese of Montreal, and all lands situated within the said Diocese of Montreal heretofore in any manner or way conveyed to any Bishop of the said Church for the general uses of the said Church, or for uses or purposes appurtenant thereto in general, shall be, and they are hereby vested in the said Bishop of Montreal and his successors in office, for the uses and purposes mentioned and set forth in the several deeds or conveyances thereof respectively: Provided that the said Bishop shall not have, hold, possess or enjoy, lands and tenements or real estate, in virtue of this Act, for the uses and purposes of his said See, exceeding Five Thousand Pounds in annual value at any time; and shall at all times, when called upon so to do by the Governor of this Province, render an account in writing of such property held by him under this Act, and of the income derived therefrom, and the means by which the same has been acquired.

XXI. And be it enacted, That the Bishop of the said Church, in the said Diocese, for the time being, shall have the administration of all lands and personalties vested in him or his predecessors in office, or conveyed to him or them for the endowment of his See, or for the general uses of the said Church, or for the use of any particular Church or Chapel then erected or thereafter to be erected, or for the endowment of any Parsonage, Church, Chapel, or living, or for other uses or purposes appurtenant to such United Church in general, or to any particular Church or Parish, and shall have power to sell, alien and transfer any lands or personalty vested in, or conveyed to him as aforesaid for the general uses or purposes of the said See or of the said Church, and shall also have power, by and with the consent and participation of the Incumbent and Corporation of the Parish wherein the same may be situate, to sell, alien and transfer any land or personalty vested in or conveyed to him as aforesaid, for the endowment of any Parsonage or living, or for uses or purposes appurtenant to any particular Church, Chapel or Parish; and the Parson or other Incumbent of any Parsonage, Church, Chapel or living, to whom any lands or personalty shall have been or may be conveyed for the endowment of such Parsonage, Church, Chapel or living, or for other uses or purposes appurtenant thereto, shall have power to sell, alienate or transfer the same, by and with the consent and participation of the Bishop of the said Church in the said Diocese, for the time being: Provided always, that the price or consideration of such sale, alienation or transfer be applied to the uses and purposes for which the land or personalty so sold, aliened or transferred was conveyed: And provided also, that such sale, alienation or transfer be not inconsistent with, or contrary to the conditions of the deed of conveyance to the said United Church, or to any Bishop thereof, or to such Parson or Incumbent, as the case may be, of the land or personalty so to be sold, aliened or transferred.

XXII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend in any manner to confer any spiritual jurisdiction or ecclesiastical rights whatsoever, upon any Bishop or Bishops, or other ecclesiastical person of the said Church, in the said Diocese of Montreal.

XXIII. And whereas it is expedient to make provision for the election o

Churchwardens by the Congregations of Churches or Chapels newly erected, or in which the pews and sittings are neither sold nor leased; Be it therefore enacted, That whenever in any Church or Chapel of the said United Church in any Diocese in this Province, Churchwardens are required to be appointed for the first time, the Vestry of such Church or Chapel shall, for all the purposes of either of the said Acts or of this Act, as the case may require, be held to be composed, for that time only, and until the Monday in Easter Week next after the appointment of such first Churchwardens, of all such persons being members of the said United Church as shall have contributed to the erection or endowment of such Church or Chapel; and that all persons, being members of the said United Church, who have contributed, or shall hereafter contribute in any manner or way, to the erection or endowment of any Church or Chapel of the said United Church in any Diocese in this Province in which the pews and sittings shall be free and neither sold nor leased, shall at all times form a Vestry of such Church or Chapel for the purposes of this Act or of the said first above recited Acts, as the case may require: Provided always, that each and every contributor, towards the payment on any debt incurred for the erection or completion of any such free Church or Chapel, shall be held to be a contributor to the erection thereof.

XXIV. And be it enacted, That from and after the passing of this Act, the said Act so made and passed, as aforesaid, in the sixth year of Her Majesty's Reign, shall cease to have any force and effect whatever, in respect of the said Diocese of Montreal, save and except as to all existing corporations which shall continue as if this Act had not been passed, and as to acts heretofore lawfully done and contracts heretofore lawfully entered into, under and in virtue of the said Act, which shall be and remain to all intents and purposes as good, valid and effectual as if this Act had not been passed; and save and except as to all By-laws heretofore lawfully made by the Vestry of any such Church or Chapel as aforesaid in the said part of Lower Canada now constituting the said Diocese of Montreal, which shall remain in force until repealed by competent authority under the provisions of this Act; and save and except also as to all appointments of Churchwardens, or other servants of any such Church or Chapel there, who shall continue in office until the appointment of their respective successors under the provisions of this Act, in the same way, and to the same effect, and with the same powers and duties, as if they themselves had been appointed under this Act.

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